



September 15, 2004

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JOYCE CROSTHWAITE
Executive Officer

TO: Local Agency Formation Commission

FROM: Executive Officer
Project Manager

SUBJECT: Proposed "Page Avenue Island Annexation to the City of Fullerton" (IA 04-14)

APPLICANT

The City of Fullerton by Resolution of Application.

PROPOSAL

The City of Fullerton has submitted an application to LAFCO requesting annexation of an unincorporated island within the City's sphere of influence. The subject area includes approximately 16 acres of inhabited territory consisting of 112 residents and 44 housing units. The purpose of the annexation is to enhance the level and provision of public services to the area.

BACKGROUND

This application was submitted as part of the Unincorporated Islands Program. Under the provisions of Government Code Section 56375, the process for annexation of small islands under 75 acres in size is streamlined to facilitate transition of these areas to a cities. To date, your Commission has approved the annexation of 24 small islands. Approval of the Page Avenue and accompanying Somerset island annexation requests will increase the number of small islands annexed to 26. This accounts for more than 50 percent of the total number of small islands which existed when the Unincorporated Islands began in 2001.

Pre-Annexation Agreement between County and City of Fullerton

In August 2003, the County and City of Fullerton entered into a pre-annexation agreement for the subject Page Avenue Island. Residences along Page Avenue are currently served by septic tank and their water is provided through a resident-owned mutual water company. The pre-annexation agreement includes the use of \$175,000 in County Community Development Block Grant (CDBG) funds to install a backbone sewer line

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in Page Avenue. Once the main sewer line is installed, property owners along Page Avenue would be able to connect their homes to the main sewer line at their own expense. The City of Fullerton is also planning to install new water infrastructure to the area in the near future, including a new water main, meters and fire hydrants.

LOCATION

The territory is generally located south of Baker Avenue, west of Brookhurst Street and north of the 91 Freeway in an unincorporated area of southwest Fullerton. A vicinity map is included as Attachment A to this report.

LAND USE

The territory is currently designated in the County's General Plan as Suburban Residential. Existing County zoning allows for single and multi-family residential uses. The City of Fullerton has pre-zoned the territory consistent with the County's existing zoning designations on the property. The unincorporated island is surrounded on the north, east and west by existing residential development. Directly south of the island is the 91 Freeway.

ENVIRONMENTAL REVIEW

The City of Fullerton adopted a Categorical Exemption for pre-zoning and annexation of the subject territory pursuant to the California Environmental Quality Act (CEQA). The Commission, as a responsible agency, may use this documentation in its consideration of the proposed annexation. The Categorical Exemption is attached for your Commission's review (see Attachment B).

PROPERTY TAX

Pursuant to Section 99 of the Revenue and Taxation Code of California, the City of Fullerton and the County adopted resolutions agreeing to the exchange of property tax revenues in accordance with the adopted master property tax agreement (City: 54.81%/County: 45.19%).

RECOMMENDATIONS

Staff recommends that the Commission take the following actions:

1. Certify that the Commission has reviewed and considered the information contained within the Categorical Exemption prepared by the City of Fullerton.

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2. Adopt the form of resolution approving the proposed "Page Avenue Island Annexation to the City of Fullerton" (IA 04-14) and waive conducting authority proceedings entirely pursuant to Government Code Section 56663. The approval is subject to the following terms and conditions:
 - a. Payment of County Clerk-Recorder and State Board of Equalization fees.
 - b. Upon the effective date of annexation, all right, title and interest of the County, including the underlying fee title where owned by the County in any and all sidewalks, trails, landscaped areas, open space, street lights, signals, storm drains, local storm drain water quality basins and bridges shall vest in the City, except for those properties to be retained by the County and specifically listed by these conditions.
 - c. Upon the effective date of annexation, the City shall be the owner of, and responsible for, all of the following property owned by the County: public roads, adjacent slopes, street lights, traffic signals and storm drains with in street right-of-way and any appurtenant slopes, medians and adjacent property.
 - d. Upon the effective date of annexation, the City shall do the following: (1) assume ownership and maintenance responsibilities for all drainage devices, storm drains and culverts, appurtenant facilities (except regional flood control channels for which OCFCDD has a recorded flood control easement or owns fee interest), site drainage, and all master plan storm drain facilities that are within the annexation area and are County operated and maintained; (2) administer flood zoning and Federal Emergency Management Agency floodplain regulations within the annexation area; (3) coordinate development within the annexation area that is adjacent to any existing flood control facilities for which OCFCDD has a recorded flood control easement or owns fee interest, by submitting plans and specifications to the Manager of Flood Control Division, County of Orange Resources and Development Management Department, for review and require execution of agreement for acceptance of the facility design and construct necessary flood facilities to the satisfaction of Orange County;; and (4) direct the developer to enter into agreement with Orange County Flood Control District for acceptance and maintenance of flood control facilities.

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- e. The applicant agrees to defend, hold harmless and indemnify LAFCO and/or its agents, officers and employees from any claim, action or proceeding against LAFCO and/or its agents, officers and employees to attack, set aside, void or annul the approval of LAFCO concerning this proposal or any action relating to or arising out of such approval.
- f. The effective date shall be the date of recordation.

Respectfully submitted,

JOYCE CROSTHWAITE

KIM KOEPPEN

Attachments: A, Vicinity Map
B, Categorical Exemption